

Contact With Parent: Form Letter Ideas

Attorneys for Children Program Update
Auburn, NY
September 23, 2011

[These form letters were kindly shared by Michele A. Brown, Children's Legal Center, Buffalo, NY. They are obviously not for every situation. Revise as needed.]

September 1, 2011

L... W.....
123 Abaca Street
Buffalo, New York 12345

Re: W v. W
Docket No. V-

Dear Ms. W.....:

Please be advised that I have been appointed to act as Attorney for the Child in the above-referenced court proceeding. As such, I will be advocating a legal position on behalf of the child.

I may be asking your assistance in scheduling a meeting with your child. Please be aware that all communication between the undersigned (and any staff from my office) and the child is protected by attorney-client privilege and is strictly confidential. No one should attempt to influence the child, tell the child what to say, or attempt to find out what was discussed.

As part of my representation of your child, I may interview you as well, although not as your attorney. Our discussions, therefore, are not confidential. If you have retained an attorney, or have been assigned one through a referral to the Assigned Counsel Program or other agency, I cannot schedule a conference with you until your attorney gives me permission. Your attorney may want to be present during our conference, or he or she may waive his or her presence, but no conference with you can proceed until the matter of your legal representation is settled and your attorney's consent is obtained.

Finally, please note that it is not appropriate to bring the child to court unless specifically directed by me or the judge, so kindly make child care arrangements, if necessary, for the day of court. Upon receipt of this letter, **please contact me at 332-0990** to advise me of the status of your legal representation. Thank you for your anticipated courtesy and cooperation.

Very truly yours,

Michele A. Brown, Esq.

August 31, 2011

Administrator
Assigned Counsel Program
XXXX
XXXX, New York 12345

Re: LH v. MH
Docket No. V-
File No.
Return date: 9/7/11 @ 9:00, Part 2

Dear Mr/s. XXX::

I have been appointed to represent the child in the above-captioned litigation. The Petitioner, LH, has been referred to your program for representation.

It is important for counsel to have an opportunity to confer prior to the next scheduled court appearance. As you are aware, it is unethical for a Child's Attorney to communicate directly with a party once they have asked for legal representation, without the consent of counsel.

Therefore, in an effort to expedite communication, I ask that this letter be supplied with the referral information to the assigned attorney. Also, I ask that the assigned attorney contact me at 332-0990 as soon as possible.

Thank you for your cooperation with this request.

Very truly yours,

Michele A. Brown, Esq.

WAIVER OF REPRESENTATION

I, _____, hereby state that I am unrepresented by counsel on the date indicated below and that I understand that I have the right to representation in the custody/visitation matter involving the Attorney for the Child from the Children’s Legal Center.

At this time, I agree to proceed with the interview by the office of the Children’s Legal Center recognizing that I waive legal representation during the interview with the Children’s Legal Center staff. I also understand that the Attorney for the Child may use information gathered to take a position before the court on the issue of custody and visitation.

I also recognize that there exists no attorney/client privilege between myself and the Children’s Legal center office and that the information obtained from this interview may be made available to others involved in this action, including the court.

I hereby waive appearance of counsel for this interview recognizing the above mentioned concerns.

Litigant’s signature

Date